



U.S. Department of Justice
Civil Division
Federal Programs Branch
20 Massachusetts Ave., N.W.
Washington, DC 20530

Dated: September 20, 2018

By ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York

Re: *State of New York, et al., v. U.S. Department of Commerce, et al.*, 18-cv-2921 (JMF)

Dear Judge Furman:

Pursuant to the Court's September 17, 2018 Scheduling Order, Defendants submit this letter to advise the Court on the availability of a key witness for trial. Defendants intend to proffer testimony from Dr. John Abowd, Chief Scientist and Associate Director of Research and Methodology at the U.S. Census Bureau. Of the trial dates scheduled, Dr. Abowd is available only on November 5, 2018 and November 14–16, 2018. Defendants do not request an adjournment of the scheduled trial dates as long as Dr. Abowd's availability can be accommodated. Defendants have conferred with Plaintiffs, and they have advised that they "have not had (and will not have this evening) sufficient opportunity to confer about the timing of [Dr. Abowd's] testimony prior to Judge Furman's deadline for advising the Court of potential scheduling issues."

We thank the Court for its continued attention to this matter.

Respectfully submitted,

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